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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,654	04/11/2001	Gershon Kandler	6727/1J087US1	1613

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DARBY & DARBY P.C.
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New York, NY 10022

EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2682

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/832,654

Applicant(s)

KANDLER, GERSHON 

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 and 40-44 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-17, 23-30 and 34-39 is/are rejected.
- 7) ☒ Claim(s) 8-11 and 31-33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 5/7/2001 has been considered and recorded in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 12-17, 23-30, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski et al. (US 2002/0197955) in view of Youngs et al. (US 6,600,918).

Regarding claims 1, 23, Witkowski teaches an apparatus for in-vehicle provision of audio content to a listener (fig. 1), comprising: a cellular telephone 12 adapted to receive audio and text message over a wireless network [0045]; and an in-vehicle audio system 14 adapted to be fixedly installed in a vehicle and coupled to receive the audio and text message from the cellular telephone, and to play the content in the vehicle [0045]. Witkowski only differs from the claimed invention in that broadcast radio

content is received. In an analogous art, Youngs teaches that multimedia content including broadcast radio programs can be received by the cellular phone (col. 3, lines 12-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include radio broadcast program of Youngs to the system of Witkowski in order to enhance multimedia communication.

Regarding claims 2, 24, Witkowski as modified by Young also teaches receiving the broadcast radio content over the wireless network at a time when the radio content is not being broadcast over radio channels (prerecorded, col. 3, lines 13-14 of Youngs).

Regarding claims 3, 25, Witkowski as modified also teaches receiving the broadcast radio content over the wireless network at a location where the radio content can not be received over radio channels (fig. 1, numeral 28 of Youngs).

Regarding claims 4, 26, Witkowski as modified also teaches user-selected (col. 1, lines 45-46 of Youngs).

Regarding claims 5, 27, Witkowski as modified also teaches receiving input from the user at the cellular telephone detail regarding the content

and to transmit the detail to the a content provider (col. 4, lines 10-20 of Youngs).

Regarding claims 6, 29, Witkowski as modified fails to teach that the input comprises a verbal input. It is taken official notice that the art of using voice recognition in the cellular art is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include voice recognition to the system of Witkowski in order to provide convenience to the users who dislike typing.

Regarding claims 7, 28, 30, Witkowski as modified also teaches comprising contact buttons (Youngs, col. 4, lines 12-13).

Regarding claims 12, 34, Witkowski as modified also teaches that the wireless network is the Internet ([0045] of Witkowski), which inherently includes WAP enabled.

Regarding claims 13-14, 35-36, Witkowski as modified fails to teach GSM that includes GPRS. It is taken official notice that the art of implementing GSM that includes GPRS is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the GSM system in the system of Witkowski in order to also include European cellular system into account.

Regarding claims 15-16, 37-38, Witkowski as modified also teaches that the cellular telephone is adapted to transfer the audio content to the in-vehicle audio system via a wireless link Bluetooth therebetween, [0036] of Witkowski.

Regarding claims 17, 39, Witkowski as modified fails to teach wired link. However, one having skilled in the art would recognize that one can use wired link when wireless Bluetooth is not available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wired link to the system of Witkowski so that one can use wired link when wireless Bluetooth is not available.

Allowable Subject Matter

4. Claims 8-11, 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art of record fails to teach that the audio system is adapted to receive from a user, an input comprising at least one detail regarding the broadcast radio content to be received, and to transmit the at least one detail to the cellular telephone.

Regarding claim 31, the claim is allowable for the same reason as set forth in claim 8.

5. Claims 18-22, 40-44 are allowed.

Regarding claim 18, the prior art of record fails to teach an in-vehicle audio system adapted to receive, from a user, at least one identification detail regarding a radio station preferred by the user, and to transmit the at least one detail to the cellular telephone for storage in the memory.

Regarding claim 40, the prior art of record fails to teach the steps of transmitting and storing as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/29/04
LEE NGUYEN
Primary Examiner
Art Unit 2682